

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

DOUGLAS S. BROWN, STEPHEN
KAWELTI and JAMES A. PROSSER,

Plaintiffs,

V.

BANK OF AMERICA, N.A.,

Defendant.

05-10713-PBS

**UNOPPOSED MOTION FOR AN EXTENSION OF TIME TO
RESPOND TO DEFENDANT’S MOTION FOR PARTIAL
SUMMARY JUDGMENT**

Now come the Plaintiffs in the above entitled matter and request that they be granted an additional seven (8) days to file their response to the Defendant's Motion for Partial Summary Judgment. In support of said request the Plaintiffs state the following:

1. In accordance with the Court’s scheduling order, the parties were allowed a brief period of discovery regarding the validity of the “may/will” claim raised in the Plaintiff’s class action complaint.

2. In response thereto, the Defendant provided a detailed chart including a breakdown of all fees charged to non Bank of America customers during the relevant class period.

3. Since receiving this information, Plaintiff's counsel informally attempted to obtain some relevant clarification to the data provided. Unfortunately the Bank of America individual charged with preparing and therefore interpreting the data has been on vacation and does not return to the office until this Monday June 26, 2006.

4. Defense counsel has indicated that the clarification will be provided sometime during this upcoming week. Plaintiffs need this information to respond to the Motion For Summary Judgment filed by the Defendant.

5. Under the circumstances, Plaintiffs request that the Court grant their request for a very short continuance so they can obtain the data and get their response filed so the matter can be adjudicated by the Court.

6. The Defendant does not oppose this request.

WHEREFORE, Plaintiffs pray that their Motion to Extend time be granted and that the Court extend the deadline for the filing of Plaintiffs Opposition to the Motion for Partial Summary Judgment through July 3, 2006.

/s/Christopher M. Lefebvre
Christopher M. Lefebvre
CLAUDE LEFEBVRE, P.C.
P.O. Box 479
Pawtucket, RI 02862
(401) 728-6060
(401) 728-6534 (FAX)
B.B.O. # 629056

Daniel A. Edelman
EDELMAN, COMBS, LATTURNER
& GOODWIN, LLC
120 S. LaSalle Street, 18th Floor
Chicago, Illinois 60603
(312) 739-4200
(312) 419-0379 (FAX)

Scott C. Borison, Esq.
borison@legglaw.com
Susan Yoon, Of Counsel
yoon@legglaw.com
Legg Law Firm LLC
5500 Buckeystown Pike
Frederick, MD 21703

(301) 620-1016 Telephone
(301) 620-1018 Facsimile
Attorney for Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that this document filed through the ECF system will be sent electronically to E. Macey Russell, Esq. on June 23, 2006 and will be mailed to

William L. Stern, Esq.
Rebekah Kaufman, Esq.
Morrison & Foerster LLP
425 Market Street
San Francisco, CA 94105-2482

/s/Sarita Sasa